

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 09/12/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JENNIE LANDSMAN, <i>on behalf of herself and</i>	:	
<i>her minor child, J.L.,</i>	:	23-CV-6404 (VEC)
	:	
	:	<u>ORDER</u>
Plaintiff,	:	
-against-	:	
	:	
	:	
DAVID C. BANKS; NEW YORK CITY	:	
DEPARTMENT OF EDUCATION,	:	
	:	
	:	
Defendants.	:	
-----X	:	

VALERIE CAPRONI, United States District Judge:

WHEREAS on July 24, 2023, Plaintiff filed this action under the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. §§ 1400 *et seq.*, *see* Compl., Dkt. 1;

WHEREAS on July 25, 2023, this action was assigned to Judge Paul A. Crotty;

WHEREAS on July 26, 2023, Plaintiff moved for a temporary restraining order (“TRO”) and preliminary injunction (“PI”) to obtain (1) reimbursement from the New York City Department of Education (“DOE”) for services provided to J.L. for the 2022–2023 school year at the International Academy for the Brain (“iBRAIN”); (2) a declaration that J.L.’s pendency placement for the 2023–2024 school year is at iBRAIN and includes J.L.’s related services; and (3) a declaration that DOE must fund J.L.’s pendency placement throughout the pendency of his due process claim for the 2023–2024 school year; *see* Dkts. 6–9;

WHEREAS on July 27, 2023, DOE responded that Plaintiff’s request was not yet ripe for adjudication because the administrative decision requiring DOE to reimburse Plaintiff, and

Plaintiff's due process complaint for the 2023–2024 school year, had only recently been filed, *see* DOE Letter, Dkt. 12;

WHEREAS on July 28, 2023, Judge Crotty denied Plaintiff's request for emergency relief, *see* July 28, 2023 Docket Entry; Order, Dkt. 14;

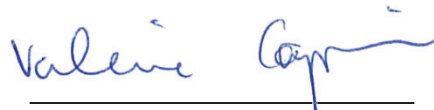
WHEREAS on September 12, 2023, Judge Crotty recused himself from this matter and vacated his order denying Plaintiff's request for emergency relief, *see* Order, Dkt. 19; and

WHEREAS on September 12, 2023, this case was reassigned to the Undersigned;

IT IS HEREBY ORDERED that not later than **Monday, September 18, 2023**, the parties must file a joint letter, **not to exceed five pages**, regarding the current status of DOE's reimbursement of Plaintiff for costs incurred during the 2022–2023 school year that it has been ordered to pay; the current status of Plaintiff's due process complaint for the 2023–2024 school year; and the extent to which Plaintiff still requests emergency relief.

SO ORDERED.

Date: September 12, 2023
New York, New York



VALERIE CAPRONI
United States District Judge